

REMARKS

A. INTRODUCTION

Claims 60 and 73-121 are pending and rejected.

The previous Section 102(a) rejection of Claim 60 in light of “Private Onele, Sample Business Contracts” has been withdrawn.

Upon entry of this Amendment:

- Claims 60, 73-89, 91-114, and 116-121 will be pending
- Claims 60, 73, 96, and 116-118 will be amended
- Claims 90 and 115 will be cancelled without prejudice
- Claims 60, 73, and 93-96 will be the only independent claims
- The Specification will be amended

B. SPECIFICATION

The Specification has been amended to include a Cross-Reference to Related Application section that includes the priority information for the parent application (of which this Application is a continuation).

The Specification has also been amended in accordance with amendments made (and accepted) in the parent application to address some informalities and clarifications noted by the Examiner of the parent application. See Office Action mailed January 6, 1999 and Amendment and Response filed July 2, 1999.

No new matter has been added by this Amendment.

C. SECTION 102(B) REJECTION

Claims 60, 73, 74, 75, 76, 77, 79, 80, 81, 88, 90, 96-103, 105, 115-117 and 119 stand rejected under 35 U.S.C. 102(b) as being anticipated by Spivak (“Instant Money”). We respectfully traverse the Examiner’s Section 102(b) rejection.

Claims 90 and 115 have been cancelled without prejudice. Independent Claims 60, 73, and 96 now have been amended without prejudice to recite desired embodiments in which the recited location is of a sponsoring organization, the customer has not solicited the line of credit, and the offering of the line of credit is by the sponsoring organization. Applicants reserve the right to and intend to pursue originally claimed and/or previously presented subject matter (e.g., as claimed prior to this Amendment) in one or more continuing applications. Claims 116-118 have been amended to depend from Claim 60 (Claim 115 has been cancelled).

We respectfully submit that nothing in ¶¶ 11 – ¶ 13 (or otherwise in Spivak) teaches or suggests a combination of features that includes (1) receiving an indication that a line of credit has been established for a customer expected to arrive at a particular location of a sponsoring organization (in which the customer has not solicited the line of credit), (2) offering the line of credit at the same location, and (3) activating the line of credit with a chargeable event at the same location.

To the contrary, in Spivak the only indication of an unsolicited line of credit, or an offer for such, is a “bank credit card” sent unsolicited by mail to a customer. ¶ 12. Contrary to the Examiner’s assertion with respect to Claim 115 (now cancelled), there is no hint or suggestion in Spivak of activating the unsolicited bank credit card at the location it is mailed to (i.e., the customer’s mailing address). Further, there is no hint or suggestion of providing an indication of an unsolicited line of credit established for a customer to a location of a sponsoring organization at which the customer is expected to arrive, much less offering the unsolicited line of credit at that same location.

The Examiner asserts:

The applicant also argues that the reference fails to suggest that the preapproved credit card was issued for a customer who is expected to arrive at the store. This argument is not persuasive since the reference teaches that prior to offering the line of credit, an “investigation” is carried out. ¶ 11. Thus, this “expectation” step is inherently [sic]. Why would a retail store send a customer a credit card if the issuer had had no expectation that the card would be used?

[Office Action, pages 2-3 (emphasis added)].

The Examiner appears to have misunderstood Spivak, which discusses new types of credit offerings by banks (bank credit cards and check credit). The “investigation” carried out is by the issuing bank, and it is the bank who sends a bank credit card unsolicited by mail. ¶ 12. Therefore, Spivak does not teach a “retail store” mailing a customer a credit card offer at all, much less to a customer expected to arrive at that “retail store.” Some examples of the disadvantages of the unsolicited mailings discussed in Spivak are discussed in the background of the present Specification.

Applicants respectfully submit that Spivak does not teach or suggest all of the features of any of independent Claims 60, 73, or 96 (or any of dependent Claims 74-89, 91-114, or 116-121). Applicants respectfully request the Examiner’s reconsideration and allowance of the pending claims.

D. SECTION 103(A) REJECTIONS

Claims 118, 120 and 121 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spivak in light of the Examiner's Official Notice. We respectfully traverse the Examiner's Section 103(a) rejection and traverse the Official Notice, which is unsupported by any cited evidence. However, as discussed above, Applicants submit that independent Claim 60 (now amended) is allowable. Accordingly, Applicants submit that Claims 118, 120, and 121 (which depend from Claim 60) are allowable for at least the same reasons discussed above with respect to independent Claim 60.

E. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We understand that a one-month extension of time to respond to the Office Action is necessary. Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Charge: \$120.00
Deposit Account: 50-0271
Order No.: 96-200-C1

Please credit any overpayment to the same account.

F. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

July 9, 2007
Date

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